

## REMARKS

Amended claims 89 and 99 make clear that the display of one transmission is switched to display another transmission. This was already clear in claim 107. In view of these amendments reconsideration of each of the rejections is requested.

There is no suggestion or motivation to modify Menard in view of Daniels and De Saint Marc. For example, Menard's embodiment shown in Figure 9 may be programmed to watch multiple channels simultaneously with each channel having its own processing system.<sup>1</sup> As shown in Figure 9, the processing system includes a live display. Thus, according to Menard, each channel would have its own live display. This teaches away from switching channels to display one instead of the other; rather they would both be displayed. In particular, Menard uses a personal computer running a Windows operating system.<sup>2</sup> Menard's personal computer includes a display unit 28.<sup>3</sup> A user may view the closed captioned text in a window on the display unit 28 before it is fed to the delay buffer.<sup>4</sup> If a pattern match is detected, the user may replay a portion of a program that has just been broadcast *in another window*.<sup>5</sup> Thus, one option in Menard is to merely open another window and display both channels.

Alternatively, Menard teaches storing a portion of the broadcast in response to a pattern match.<sup>6</sup> The portion that is stored is a short segment such as thirty seconds—ten seconds before the pattern match and twenty seconds thereafter. Menard stores only a short portion because Menard is not interested in continuous display of long segments of programming. For example, his system is designed to screen for specific words or phrases to *minimize* the time spent watching television.<sup>7</sup> Thus, another option in Menard is to store a short *portion* of a broadcast if key words are found on two different channels, the storage for later review. Because there is no suggestion in the prior art to modify Menard as proposed in the Office action, reconsideration is requested.

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<sup>1</sup> Page 17, lines 29-31.

<sup>2</sup> Page 14, lines 1-4.

<sup>3</sup> See, e.g., Figure 8.

<sup>4</sup> Page 15, lines 13-27; page 16, lines 6-12; Figure 9.

<sup>5</sup> *Id.*

<sup>6</sup> Page 15, lines 17-29.

<sup>7</sup> See pages 1-2; page 5, lines 18-23.

Furthermore, De Saint Marc does not cure the deficiency of Menard. For example, in De Saint Marc, signals are time-delayed before being multiplexed for transmission to a user system. Thus, if the user changes channels, and then changes back to the original channel, the decoder simply returns to the original channel.<sup>8</sup> Accordingly, the user misses some of the action in the original channel.

For all of these reasons, claim 89 and claims dependent thereon are believed to be distinguished over Menard in view of Daniels and De Saint Marc.

Under a similar analysis, independent claims 99 and 107 and claims dependent thereon are also patentable over the cited references.

### **CONCLUSION**

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The Examiner's prompt action in accordance therewith is respectfully requested.

The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (ITL.0319US).

Respectfully submitted,

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<sup>8</sup> See paragraph 63.